

ESCAMBIA COUNTY ALABAMA
DISTRICT CIVIL FILING PROCEDURES
Except Small Claims or Detinue Actions (Evictions)

It is important to understand the implications of self-representation. By doing so you are acting as your own lawyer and you are accepting full responsibility in seeing that your claim is successfully presented at each stage of the procedure until it is concluded.

1. Complete and sign a ***Statement of Claim*** (form C-88). A proper service address must be listed for the defendant(s). This means a street address for personal service, or a valid postal address if service is to be attempted by certified mail when out of state.
2. Submit the completed statement of claim with the filing fee to the Clerk's office. The filing fee is \$305.00 for claims over \$6,000.01 up to the current maximum claim amount of \$10,000.00. This is for one(1) plaintiff and one(1) defendant. Each additional defendant is \$40.00 and each additional plaintiff is \$50.00 . The total filing fee must be paid at the time of the filing. ***** personal checks are not accepted. *****
3. Upon receipt of a properly completed statement of claim form and the appropriate filing fee, the Clerk will issue a summons and copy of the complaint to be served by the Sheriff, or via certified mail per the request of the plaintiff. Upon the return of service, or in the event of non-service, the plaintiff will be notified. The defendant will have fourteen (14) days from the date of service to file an answer.

Depending upon the defendant's response to the complaint, one or more of the following actions may take place:

- A, If the defendant files an answer admitting the allegations in the complaint, a consent judgment may be entered by the Court for the amount sued for, plus the cost of filing the lawsuit, if the recovery of the court cost was requested in the complaint.
- B, If the defendant files an answer denying the allegations, or admitting to owing some of the amount claimed, but not all, the case will be scheduled for trial and all parties will be notified approximately ten (10) days prior to the court date. Small Claims trials are scheduled each month in the Escambia County Courthouse.
- C, If the defendant fails to file an answer to the complaint, or otherwise respond to the complaint, a default judgment may be entered in the plaintiff's favor for the amount sued for, plus the cost of filing the lawsuit, if the recovery of the cost was requested in the complaint. The plaintiff must submit an ***Application/Affidavit for Entry of Default*** (form C-25) and an ***Application/Affidavit for Entry of Default Judgment*** (form C-25A) to the Court before the default judgment can be entered. There is a \$50.00 filing fee for this action.

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(continued)

NOTE CONCERNING JUDGMENTS:

The judgment of the Court becomes *final* after fourteen (14) days from the entry of the judgment. If either party is dissatisfied with the Court's decision, the dissatisfied party may appeal the decision within that fourteen (14) days before the judgment is final.

NOTE ON POST- JUDGMENT REMEDIES:

The party whom the judgment is entered in favor of (the creditor) is responsible for the collection of the judgment from the party who owes the judgment (the debtor). The Clerk, the Court, or the State are NOT responsible for the collection of said judgment. The Court does offer the following post-judgment processes to assist in collection of the judgment, including court cost, if awarded in the judgment. These processes are actionable only after the judgment is Final.

- A. **Process of Garnishment** (form C-21) – a writ to take part of a debtor's wages or other money owed to him or her before he or she receives the money. The Writ of Garnishment is served on the debtor's employer, financial institution, individual, or company holding the money owed. A copy of the Writ of Garnishment is also served on the debtor.
For this action there is a \$90.00 filing fee, which may be added to the amount to be garnished.
- B. **Writ of Execution** (form C-20) – a writ directing the Sheriff to seize property owned by the debtor, to either restore possession of the property to the creditor, or to auction the property for which the proceeds from the sale of said property are then (in part) used to pay for all or a portion of the judgment owed to creditor.
For this action there is a \$60.00 filing fee, which may be added to the total court cost.

The filing fees which are required at the time of filing either of the two(2) post-judgment remedies listed above may be added to the total amount due and collected as a part of the judgment owed.

NOTE REGARDING FORMS:

The forms listed in the instructions above may be found at <http://eforms.alacourt.gov>
An Eviction/Unlawful Detainer cannot be filed online, but may be completed on the screen (instead of being hand written), to then be printed and mailed or delivered. Ensure all fields required are filled and that it is signed by the plaintiff or a proper representative of said plaintiff.